

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

STEVEN HEWETT, )  
                        )  
                        )  
Plaintiff,         )  
                        )  
                        )  
v.                     )  
                        )  
CITY OF KING,         )         1:12-cv-1179  
                        )  
                        )  
Defendant,         )  
                        )  
and                     )  
                        )  
THE AMERICAN LEGION AND     )  
AMERICAN LEGION POST 290     )  
OF KING, NORTH CAROLINA,     )  
                        )  
Defendant-Intervenors.     )

**ORDER**

Pending before the Court is a Motion to Intervene by the American Legion and American Legion Post 290 of King, North Carolina. (Docket Entry 20.) On May 15, 2013, the undersigned issued an Order granting the Motion to Intervene based upon “good cause shown.” (Docket Entry 30.) After objections were filed by Plaintiff (Docket Entry 33) on May 29, 2013, the Honorable James A. Beaty, Jr. issued an Order remanding the matter and directing the undersigned to prepare written findings of fact and conclusions of law in support of the Order as soon as practicable. (Docket Entry 43.)

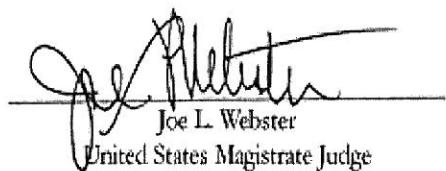
Having reconsidered the pleadings and other submissions of the parties on American Legion’s motion to intervene, the undersigned issues this preliminary order requiring the

parties to submit additional briefs as outlined below before a final order is issued to comply with Judge Beaty's Order. This will allow all parties the opportunity to comment prior to a final order being issued. These briefs should follow these guidelines:

1. Each party shall submit an additional brief, of no more than ten (10) pages, informing the Court whether it should conclude as a matter of law that the Movants should be allowed to intervene pursuant to Rule 24(b) (permissive intervention). The discussion should include:
  - a. Whether a decision based upon Rule 24(b) requires the Court to consider Rule 24(a) or any of the cases interpreting that section of Rule 24?
  - b. Whether the undersigned should be able to consider subsequent evidence of record submitted after the initial Order granting intervention?
  - c. Whether and what types of conditions for intervention should be ordered in the event the undersigned is inclined to issue a final order allowing American Legion to intervene?
2. The parties shall have ten (10) calendar days from the date of this order to comply. No reply or sur-reply briefs will be allowed.

**IT IS THEREFORE ORDERED** that the parties shall submit briefs as set forth in this Order no later than September 9, 2013.

This 29<sup>th</sup> day of August, 2013.



Joe L. Webster  
United States Magistrate Judge